

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Consumer Protection
(As Amended at ARRS, April 13, 2021)

806 KAR 2:060. Complaints.

RELATES TO: KRS 304.2-160

STATUTORY AUTHORITY: KRS 304.2-110, **304.2-165**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, as defined in KRS 304.1-010. ~~[The function of]~~ This administrative regulation **establishes**~~[is to set forth]~~ the classification of complaints made to the Department of Insurance.

Section 1. **(1)** When a written and signed complaint is received by the Department of Insurance, the commissioner, within the jurisdiction under the laws of this Commonwealth, shall make a determination, as to the merits, of any received complaint.

(2) Upon final disposition of each complaint, the commissioner shall make a finding as to if the complaint is justifiable, unjustifiable, indeterminate, or a request for information, and record the finding in its record. In making this finding, the commissioner shall be guided by the common and accepted practice in the insurance industry and a fair and reasonable application of the duties, responsibilities, and obligations of the respective parties.

Section 2. ~~[(4)]~~ The department shall not have the authority to usurp or infringe upon the jurisdiction, prerogative, or authority of the various courts of competent jurisdiction in this Commonwealth. The ultimate decision upon questions of law and fact shall rest with the court. **[**

~~**(2) Upon final disposition of each complaint, the commissioner shall have the duty, to make a finding as to if the complaint is justifiable, unjustifiable, indeterminate, or a request for information, and to record the findings in its record. In making this finding, the department shall be guided by the common and accepted practice in the insurance industry and a fair and reasonable application of the duties, responsibilities, and obligations of the respective parties.]**~~

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